

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

SAMMY LEE PENDLETON,

Petitioner,

v.

CRIM. NO. 2:07-CR-00181
JUDGE GRAHAM
MAGISTRATE JUDGE ABEL

UNITED STATES OF AMERICA,

Respondent.

OPINION AND ORDER

On April 8, 2009, the Magistrate Judge issued a *Report and Recommendation* (doc. 43) pursuant to Rule 4 of the Rules Governing Section 2255 Cases in the United States District Courts recommending that the instant motion to vacate, set aside or correct sentence pursuant to 28 U.S.C. §2255 (doc. 41) be dismissed, as this Court is without jurisdiction to consider petitioner's claim that he has been denied proper medication at the Medical Center for Federal Prisoners in Springfield, Missouri, since such claim must be brought in the District Court within the territorial jurisdiction of Springfield Missouri. Petitioner has filed objections to the Magistrate Judge's *Report and Recommendation* (doc. 46). Petitioner contends that the District Court having jurisdiction over his claim may be biased against him.

Pursuant to 28 U.S.C. §636(b), this Court has conducted a *de novo* review. For the reasons discussed in the Magistrate Judge's *Report and Recommendation*, petitioner's objections are **OVERRULED**. The *Report and Recommendation* is **ADOPTED** and **AFFIRMED**. This action is hereby **DISMISSED**.

IT IS SO ORDERED.

s/ James L. Graham
JAMES L. GRAHAM
United States District Judge